

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Case No. 21-22423 GLT
	:	
Jason L. Lint and April M. Lint,	:	Chapter 13
	:	
Debtors,	:	Document No.
	:	
Ally Bank,	:	Related to Document No. 39
	:	
Movant,	:	Hearing Date: November 2, 2022 at 9:00
	:	a.m.
vs.	:	
	:	
Jason L. Lint and April M. Lint and the	:	
Chapter 13 Trustee, Ronda J. Winnecour,	:	
	:	
Respondents.		

**DEBTORS' RESPONSE TO MOTION FOR RELIEF
FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY**

Debtors, Jason L. Lint and April M. Lint, by their attorneys Zebley Mehalov & White, and Daniel R. White, Esquire respond to the Motion for Relief from the Automatic Stay and Co-Debtor Stay as follows:

- 1-8, 10-11. Admitted.
- 9, 12-18. Denied. Debtors demand strict proof of the averments of paragraphs 9,12-18.

DEBTOR'S DEFENSES

1. Debtors have a confirmed Chapter 13 plan dated November 9, 2021, which provides for Movant to be paid its regular contractual monthly payment throughout the plan as long term continuing debt.
2. Debtors are current with their Chapter 13 plan payments.
3. Movant listed the retail value of the subject vehicle at \$30,875.00 in paragraph 10 of its Motion while indicating the outstanding principal balance of its claim to be \$27,304.19 in paragraph 8.
4. Contrary to the averments of Movant's Motion, Movant has received distributions from the Trustee of over \$5,276.00 since the confirmation of the Debtors' Chapter

13 Plan. Debtors' monthly payment plus the Trustee distributions provide adequate protection to Movant.

5. Debtors assert that the value of the vehicle significantly exceeds the amount of the debt owed to Movant, thus providing adequate protection.
6. Under these circumstances, all of which existed when Movant filed its Motion, Movant is more than provided adequate protection and is not entitled to relief from stay against Debtors' as requested.
7. Debtors' accordingly request an Order from this Court directing that Movant not charge Debtors' any fees or costs related to this Motion For Relief as it was inappropriate under the circumstances when filed. Debtors further request the Court direct Movant to pay fees in the amount of \$600.00 to their counsel to review and respond to the Motion. More fees will be incurred if this Motion goes to a hearing.

WHEREFORE, Debtors, Jason L. Lint and April M. Lint, respectfully request this Court to Deny the Motion for Relief from the Automatic Stay and Co-Debtor Stay and order such further relief that this Court deems appropriate.

Dated: October 5, 2022

ZEBLEY MEHALOV & WHITE, P.C.

By

/s/ Daniel R. White

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